



Advocating for women's rights
and opportunities in Connecticut

Judiciary Committee

House Bill No. 7004, *An Act Concerning Implementation of the Recommendations of the Task Force to Study Service of Restraining Orders*

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The Connecticut Women's Education and Legal Fund (CWEALF) is a statewide non-profit organization dedicated to empowering women, girls, and their families to achieve equal opportunities in their personal and professional lives. For 40 years, CWEALF has provided information, referral, and support to women seeking guidance about issues involving family law, employment discrimination, and civil rights, many of whom experience domestic violence.

We support H.B. 7004, *An Act Concerning Implementation of the Recommendations of the Task Force to Study Service of Restraining Order* as an effective tool for victims of domestic violence, but believe it could go further. As many of CWEALF's clients experience domestic violence within the context of family law cases, we are aware of the sensitive issues presented by these situations and closely tracked the work of the Restraining Order Task Force in 2014.

During the task force's tenure it became clear that there are several striking problems within the current system:

- Alarming, many restraining orders are never served due to marshals' inability to locate the respondents. Without service, restraining orders are not enforceable and victims remain unprotected.
- There is no reliable method of tracking the success or failure of service. On a systemic level, data collection is critical for accountability among those responsible for service. It is also critical for the court process to run smoothly. Furthermore, victims often times did not know whether or not the respondent had been served, making safety planning difficult or impossible.
- When a marshal fails to serve notice in the limited time frame, victims are currently forced to reapply for a new order, a time-consuming and emotional process.
- Marshals are not readily accessible to victims as they are only available at the courthouse at two 30-minute periods per day.

For these reasons, CWEALF supports this bill as a first step in solving some of these issues. We support marshals having access to and using the automated registry of orders to enhance tracking, and the ability of victims to ascertain the status of their order. We also support the courts ensuring office space for restraining order applicants to meet privately with state marshals to discuss their case and service. The proposal to simplify the process of applying for an

application and a one-page plain language explanation of the process will greatly assist victims who currently have difficulty navigating the complicated process.

In addition to these proposals, there were several problems discussed at length by the Restraining Order Task Force that are not addressed by this bill, including:

- Giving judges the ability to extend a restraining order if service has not occurred;
- Providing victims the opportunity to obtain an immediate order outside of business hours through a 24-hour on-call judge;
- Increasing the number of victim advocates housed within courthouses to assist victims with applications and safety planning; and
- Using law enforcement officers to serve restraining orders more effectively.

We urge the committee to expand protections for victims by considering these proposals. One of the topics discussed most intensely was the current delay in serving restraining orders and the large percentage of orders that are *never* served. Included in this conversation was a comparison between using marshals as opposed to law enforcement officers as the main method for serving restraining orders. Due to their access to civil and criminal databases like driver history, CJIS and NCIS, law enforcement is much more equipped to locate respondents than marshals are. In addition, they can easily ascertain whether a respondent is licensed to carry a weapon. Law enforcement officers are armed and specifically trained to de-escalate volatile situations, making them better able to deal with dangerous or armed respondents.

The task force learned that the vast majority of states, especially in the northeast, use law enforcement as the primary servers, or at least as optional servers. A Massachusetts State Trooper presented information in person to the task force about current practices in Massachusetts, which does not experience the current lag time and large number of unserved orders that Connecticut does. The trooper indicated that service of restraining orders is typically accomplished within 24 hours, and almost never more than 48 hours following the court order. Connecticut should do everything it can to reach this goal.

Thank you for your consideration. Please feel free to contact me at cbailey@cwealf.org if you would like to discuss further.